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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,615	08/28/2003	Hitoshi Suzuki	16987	8298
23389 7590 05/28/2009 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER COBANOGILU, DILEK B				
ART UNIT 3626		PAPER NUMBER		
MAIL DATE 05/28/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/650,615

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

DILEK B. COBANOGU

**Art Unit**

3626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SD/US)  
Paper No(s)/Mail Date 2/13/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the amendment received on 3/19/2009. Claims 1-21 have been canceled, claims 22-39 remain pending in this application.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-252062, 2002-252063 and 2002-252064, filed on 08/29/2002. Also, the foreign priority for prior application of Japanese Patent Applications: 2003-78912, 2003-86215 and 2003-95882 has been acknowledged.

***Claim Objections***

3. Claim objection has been withdrawn since the Applicant has canceled claim 4.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 22-30, 32-39 are rejected under 35 U.S.C. 102(a) as being unpatentable by Sasaki (JP409245093A, Portable Nursing Job Supporting System).

A. As per claim 22, Sasaki discloses the an information system for use in a hospital, comprising:

- i. a terminal inputting execution data about executed medical activities(Sasaki; par. 0010, 0016, 0017, 0020); and
  - ii. a hospital information management system managing execution data input to said terminal (Sasaki; par. 0010, 0020), wherein
  - iii. said terminal separately inputs starting data indicating that medical activities have been started and ending data indicating that the medical activities have been completed (Sasaki; par. 0020).
- B. As per claim 23, Sasaki discloses the system according to claim 22, wherein said medical activities are instillation (Sasaki; par. 0020).
- C. As per claim 24, Sasaki discloses the system according to claim 22, wherein said terminal is a mobile terminal (Sasaki; par. 0020).
- D. As per claim 25, Sasaki discloses the system according to claim 22, wherein said starting data and ending data indicate date and time data together with an executor of a medical activity, an execution site of the medical activity, execution contents of the medical activity, and a patient who receives the medical activity (Sasaki; par. 0020, 0027, 0028).
- E. As per claim 26, Sasaki discloses the system according to claim 22, wherein upon receipt of the starting data, said hospital information management system compares a time at which a job for completing a medical activity relating to the starting data with a scheduled time of the job for completing the medical activity, and changes the scheduled time based on a comparison result (Sasaki; par. 0020, 0027, 0028).

F. As per claim 27, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data relating to medical activities (Sasaki; par. 0001, 0010);
- ii. a server system communicating the data with said terminal (Sasaki; par. 0016); and
- iii. a hospital information management system recording information communicated by said server system in the hospital, and centrally managing the information (Sasaki; par. 0010, 0020),
- iv. wherein said terminal comprises:
  - (1) a scheduled medical job data input/output unit inputting and outputting data of medical activities normally scheduled and transmitted as instructions from said server system according to a medical order (Sasaki; par. 0001, 0020); and
  - (2) an unscheduled medical job data input/output unit inputting and outputting data of medical activities unscheduled and not transmitted as instructions from said server system (Sasaki; par. 0020, 0027).

G. As per claim 28, Sasaki discloses the system according to claim 27, wherein data of an unscheduled medical activity data is measurement data relating to an unscheduled measurement (Sasaki; par. 0020, 0027).

H. As per claim 29, Sasaki discloses the system according to claim 28, wherein measurement data relating to the unscheduled measurement includes measurement data of at least a temperature, pulses, aspiration, or a blood pressure (Sasaki; par. 0020, 0027).

I. As per claim 30, Sasaki discloses the system according to claim 27, wherein data of an unscheduled medical activity is medicine name data indicating a name of a medicine in a broken injection bottle (Sasaki; par. 0028, 0038). Examiner considers disposal could be any broken injection bottle.

J. As per claim 32, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and
- ii. a server system communicating the data with said terminal (Sasaki; par. 0010, 0016, 0017);
- iii. wherein: when a request to terminate a connection between said terminal and said server system is received from said terminal, said server system transmits, to said terminal, data for update of a program being executed by said terminal (Sasaki; par. 0024, 0029, 0035); and
- iv. said terminal updates the program based on the data transmitted from said server system and used for the update (Sasaki; par. 0024, 0029, 0035).

K. As per claim 33, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and
- ii. a server system communicating the data with said terminal (Sasaki; par. 0010); wherein:
- iii. said terminal updates the program being executed by said terminal based on the data transmitted from said server system and used for update of the program (Sasaki; par. 0020, 0027);
- iv. when the request for a connection between said terminal and said server system is transmitted from said terminal, said server system transmits information about availability of an updated to said terminal (Sasaki; par. 0020); and
- v. when the information transmitted from said server system indicates that the updated program is available, said terminal executes the updated program, and inputs and outputs the data (Sasaki; par. 0020).

L. As per claim 34, Sasaki discloses an information system for use in a hospital, comprising:

- i. a terminal inputting and outputting data by executing a program (Sasaki; par. 0001, 0010); and
- ii. a server system communicating the data with said terminal (Sasaki; par. 0010); wherein:

- iii. said server system contains data for use in updating a program being executed by said terminal, and can set in said server system a starting date from which the program is available by said terminal after update (Sasaki; par. 0020, 0024);
- iv. said terminal is configured to update the program based on the data transmitted from said server system for use in the update (Sasaki; par. 0024, 0029);
- v. when said server system is connected to said terminal before the set starting date and the data for use in the update is not transmitted from said server system to said terminal, said server system transmits the data to the terminal to store the data in (Sasaki; par. 0024, 0029);
- vi. when said server system is connected to said terminal after the set starting date and the data for use in the update is transmitted from said server system to said terminal, said server system allows said terminal to update the program based on the data; and when said server system is connected to said terminal after the set starting date and the data for use in the update is not transmitted from said server system to said terminal, said server system transmit the data to said terminal and allows said terminal to store the data and update the program based on the data (Sasaki; par. 0024, 0029).



- M. As per claim 35, Sasaki discloses the system according to claim 32, wherein data input and output by said terminal relates to medical activities (Sasaki; par. 0001, 0020).
- N. As per claim 36, Sasaki discloses the system according to claim 32, wherein said terminal ignores other input to said terminal when said terminal receives data from said server system for use in updating the program (Sasaki; par. 0020, 0024, 0035).
- O. As per claim 37, Sasaki discloses a server system which is a component of an information system for use in a hospital, comprising:
- i. a data communications device communicating data with a terminal which is a component of the information system and inputs and outputs data by executing a program (Sasaki; par. 0001, 0020); and
  - ii. an update data transmission unit transmitting, to the terminal, data for use in updating a program being executed by the terminal when a request to terminate a connection is received from the terminal (Sasaki; par. 0024, 0029, 0034).
- P. As per claim 38, Sasaki discloses a server system which is a component of an information system for use in a hospital, comprising:
- i. a data communications device communicating data with a terminal which is a component of the information system and inputs and outputs data by executing a program (Sasaki; par. 0001, 0020);

ii. an update data transmission unit transmitting, to the terminal, data for use in updating program being executed by the terminal (Sasaki; par.

0024, 0029, 0035); and

iii. a program availability information transmission unit transmitting information about availability of a program after update to the terminal when a request for a connection is received from the terminal (Sasaki; par. 0024, 0029, 0035).

Q. As per claim 39, Sasaki discloses a terminal which is a component of an information system for use in a hospital, comprising:

i. an input/output unit inputting and outputting data by executing a program (Sasaki; par. 0001, 0020);

ii. a data communications device communicating the data with a server system which is a component of the information system (Sasaki; par. 0001, 0020); and

iii. a program update unit updating the program based on data transmitted from the server system for use in updating the program (Sasaki; par. 0024, 0029), wherein

iv. said input/output unit inputs and outputs data by executing an updated program when information transmitted from the server system at a request transmitted to the server system to connect to the server system indicates availability of the updated program (Sasaki; par. 0024, 0029, 0035).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (JP409245093A, Portable Nursing Job Supporting System) in view of White et al. (hereinafter White) (U.S. Patent No. 6,790,198 B1).

A. As per claim 31, Sasaki discloses the system according to claim 30, wherein said unscheduled medical job data input/output unit inputs the name of the medicine in the broken injection bottle by reading an identification code attached to the injection bottle by an identification code reader provided for said terminal, or by a user of said terminal manually inputting the code.

Sasaki fails to expressly teach "reading an identification code attached to the injection bottle by an identification code reader provided for said terminal, or by a user of said terminal manually inputting the code".

However, this feature is well known in the art, as evidenced by White.

In particular, White discloses this feature (White; col. 9, lines 35-58).

The motivation is the same as the motivation in claim 16 and incorporated herein.

***Response to Arguments***

8. Applicant's arguments filed 3/19/2009 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to applicant's argument about Sasaki does not teach "starting data of medical activities and ending data of the started medical activities are treated as separated execution data of medical activities"; Examiner respectfully submits that Claims 22 recites "said terminal separately inputs starting data indicating that medical activities have been started and ending data indicating that the medical activities have been completed" and Sasaki teaches "inputting workmanship instruction into which a doctor inputs the nursing order information, such as temperature taking, blood pressure, injection, an examination, etc." in paragraph 0020. Sasaki also teaches "inputting planning time, the operation scheduled date, and the activity done based on the work plan information" in paragraph 0020.

B. In response to applicant's argument about Sasaki does not teach "recording an execution of unscheduled medical activities"; Examiner respectfully submits that claim 27 recites "an unscheduled medical job data input/output unit inputting and outputting data of medical activities unscheduled and not transmitted as instructions from said server system". The present specification describes "Unscheduled medical activities" as "...are taken unexpectedly or in an emergency, and include a job of urgently inputting a result of measurement of

vitals, etc. and inputting a break such as a broken bottle, etc.". Sasaki teaches inputting data such as temperature taking, blood pressure, injection, examination, etc. in paragraph 0020. Moreover, Examiner respectfully submits that a broad, yet reasonable interpretation of Sasaki teaches unscheduled medical activities, because Sasaki teaches a hospital system, and teaches inputting the medical data relating the patient.

C. In response to applicant's argument about Sasaki does not teach "program updates performed by a terminal"; Examiner respectfully submits that Sasaki teaches "...The related part of the nursing order information 34 which corresponds at the same time a new work plan is added to the work plan information 35 after confirmation disposal is updated, and each alteration is reflected in designation of the nursing order designation field 1021 and the work plan display screen 1022. A work plan is drawn up by repeating the aforementioned procedure about all the nursing order." In paragraph 0029.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/C. Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626